

	Percent
Non-Profit Organizations With Credit Available Elsewhere ...	3.625
Non-Profit Organizations Without Credit Available Elsewhere .....	3.000
<i>For Economic Injury:</i>	
Businesses & Small Agricultural Cooperatives Without Credit Available Elsewhere .....	4.000
Non-Profit Organizations Without Credit Available Elsewhere .....	3.000

The number assigned to this disaster for physical damage is 12015 6 and for economic injury is 12016 0.

The State which received an EIDL Declaration # is Louisiana.

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008)

Dated: January 14, 2010.

**Karen G. Mills,**  
Administrator.

[FR Doc. 2010-1203 Filed 1-21-10; 8:45 am]

**BILLING CODE 8025-01-P**

## SECURITIES AND EXCHANGE COMMISSION

### Proposed Collection; Comment Request

*Upon Written Request, Copies Available From:* US Securities and Exchange Commission, Office of Investor Education and Advocacy, Washington, DC 20549-0213.

#### Extension:

Rule 17a-12; SEC File No. 270-442; OMB Control No. 3235-0498.

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission ("Commission") is soliciting comments on the existing collection of information provided in Rule 17a-12 (17 CFR 240.17a-12) under the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*) ("Exchange Act").

Rule 17a-12 under the Exchange Act is the reporting rule tailored specifically for OTC derivatives dealers registered with the Commission, and Part IIB of Form X-17A-5,<sup>1</sup> the Financial and Operational Combined Uniform Single ("FOCUS") Report, is the basic document for reporting the financial and operational condition of OTC derivatives dealers.

Rule 17a-12 requires registered OTC derivatives dealers to file Part IIB of the FOCUS Report quarterly. Rule 17a-12 also requires that OTC derivatives

dealers file audited financial statements annually. There are currently four registered OTC derivatives dealers. The staff expects that one additional firm, with an application pending, will register as an OTC derivatives dealer within the next three years. The staff estimates that the average amount of time necessary to prepare and file the quarterly reports required by the rule is eighty hours per OTC derivatives dealer<sup>2</sup> and that the average amount of time for the annual audit report is 100 hours per OTC derivatives dealer, for a total of 180 hours per OTC derivatives dealer annually. Thus the staff estimates that the total number of hours necessary for the four current OTC derivatives dealers plus the additional OTC derivative dealer to comply with the requirements of Rule 17a-12 on an annual basis is 900 hours.

Written comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication.

Comments should be directed to Charles Boucher, Director/Chief Information Officer, Securities and Exchange Commission, C/O Shirley Martinson, 6432 General Green Way, Alexandria, Virginia 22312 or send an e-mail to: [PRA\\_Mailbox@sec.gov](mailto:PRA_Mailbox@sec.gov).

Dated: January 15, 2010.

**Florence E. Harmon,**  
Deputy Secretary.

[FR Doc. 2010-1147 Filed 1-21-10; 8:45 am]

**BILLING CODE 8011-01-P**

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-61367; File No. SR-OPRA-2009-01]

### Options Price Reporting Authority; Notice of Filing and Immediate Effectiveness of Proposed Amendment To Revise the Plan for Reporting of Consolidated Options Last Sale Reports and Quotation Information To Serve as the Operating Agreement for OPRA LLC

January 15, 2010.

Pursuant to Section 11A of the Securities Exchange Act of 1934 ("Act")<sup>1</sup> and Rule 608 thereunder,<sup>2</sup> notice is hereby given that on December 28, 2009, the Options Price Reporting Authority ("OPRA") submitted to the Securities and Exchange Commission ("Commission") an amendment to the Plan for Reporting of Consolidated Options Last Sale Reports and Quotation Information ("OPRA Plan").<sup>3</sup> The proposed amendment would revise the OPRA Plan for the sole purpose of enabling it to serve as the Limited Liability Company Agreement of OPRA LLC. The Commission is publishing this notice to solicit comments from interested persons on the proposed OPRA Plan amendment.

#### I. Description and Purpose of the Plan Amendment

OPRA proposes to change its structure from a committee of national securities exchanges acting jointly pursuant to the OPRA Plan to a limited liability company organized under the Delaware Limited Liability Company Act of which its participating national securities exchanges will be members. The restructured OPRA will be known as Options Price Reporting Authority, LLC ("OPRA LLC"). To facilitate the restructuring of OPRA, the OPRA Plan is proposed to be revised for the sole purpose of enabling it to serve as the Limited Liability Company Agreement

<sup>1</sup> 15 U.S.C. 78k-1.

<sup>2</sup> 17 CFR 242.608.

<sup>3</sup> The OPRA Plan is a national market system plan approved by the Commission pursuant to Section 11A of the Act and Rule 608 thereunder (formerly Rule 11Aa3-2). See Securities Exchange Act Release No. 17638 (March 18, 1981), 22 S.E.C. Docket 484 (March 31, 1981). The full text of the OPRA Plan is available at <http://www.opradata.com>.

The OPRA Plan provides for the collection and dissemination of last sale and quotation information on options that are traded on the participant exchanges. The seven participants to the OPRA Plan are NASDAQ OMX BX, Inc., Chicago Board Options Exchange, Incorporated, International Securities Exchange, LLC, NASDAQ OMX PHLX, Inc., NASDAQ Stock Market LLC, NYSE Amex, Inc., and NYSE Arca, Inc.

<sup>2</sup> Based upon an average of 4 responses per year and an average of 20 hours spent preparing each response.

<sup>1</sup> Form X-17A-5 (17 CFR 249.617).

(sometimes referred to as the "Operating Agreement") of OPRA LLC. The OPRA Plan as proposed to be revised was attached as Exhibit A to the filing.

The purpose of the amendment to the OPRA Plan is to permit the Plan to serve as the Operating Agreement for OPRA LLC, which is the entity that is proposed to succeed to OPRA in its current structure. In 1975, when OPRA was first established as a registered securities information processor ("SIP"), unlike other SIPs in existence at that time, OPRA was not organized as an association pursuant to Articles of Association or as any other form of organization. Instead, OPRA simply served as the name used to describe a committee of registered national securities exchanges acting jointly in accordance with a national market system plan to provide consolidated last sale reports and quotation information in accordance with Commission rules and policies that were the predecessors of what is now contained in Rules 601 and 602 under Regulation NMS. This structure has served OPRA well over the years. However, OPRA has recently been advised that the very lack of a clear identity for OPRA as an entity could give rise to uncertainty as to the nexus between OPRA or its constituent exchanges and various states for purpose of the application of certain state tax laws to OPRA's activities. OPRA has been told that in order to resolve this uncertainty OPRA should restructure itself so it clearly is an entity separate and apart from its constituent exchanges, and that the best way to do this is for OPRA to become a limited liability company organized under the Delaware Limited Liability Company Act ("Delaware Act").

In order to accomplish this, it is necessary for the OPRA Plan to be amended to incorporate various provisions that will enable it to serve as the Operating Agreement of a limited liability company under the Delaware Act. This is reflected in the amendment to the OPRA Plan filed herewith. In preparing this amendment, care was taken to limit revisions to the current OPRA Plan only to those that are necessary to accommodate its structure as an LLC (much of which consists of new language added for federal and state income tax purposes), and not to change any of the provisions of the Plan that govern the way in which OPRA performs its activities as a registered SIP. Thus although the governance structure of OPRA needs to be described in terms that apply to an LLC under the Delaware Act, the essence of its governance remains unchanged, so that OPRA will continue to be governed by

its constituent exchanges, each of which has one vote on matters that come before them, subject to Commission filing and approval requirements under the Exchange Act. Likewise, OPRA's financial structure, including the fees it charges and how it allocates fees and expenses among the exchanges, is not changed by this amendment. The various forms of agreements that OPRA enters into with vendors, subscribers and others who access the market data it provides will be changed only as necessary to reflect the change in OPRA's structure. OPRA's procedures for the admission of new exchanges to membership in OPRA, the way in which OPRA conducts its capacity planning activities with the assistance of an independent system capacity advisor and all other operational aspects of OPRA's activities will also not be changed.

The text of the proposed amendment to the OPRA Plan is available at OPRA, the Commission's Public Reference Room, <http://opradata.com>, and on the Commission's Web site at <http://www.sec.gov>.

## II. Implementation of the OPRA Plan Amendment

Pursuant to paragraph (b)(3)(ii) of Rule 608 under the Act,<sup>4</sup> OPRA designated this amendment as one concerned solely with the administration of the Plan, or involving the governing or constituent documents relating to any person authorized to implement or administer the Plan on behalf of its sponsors. Accordingly, OPRA intends to put the Plan amendment into effect upon filing it with the Commission, having previously filed the necessary documents with the State of Delaware to cause OPRA to be restructured as an LLC, concurrently herewith amending its Form SIP on file with the Commission to reflect the change in OPRA's structure, and taking such other steps as are necessary to assure that OPRA LLC is able to succeed to the rights and obligations of OPRA under the various contracts OPRA has entered into with vendors, subscribers, other users of its market data, its processor and others who perform administrative functions on behalf of OPRA, and its independent system capacity advisor.

The Commission may summarily abrogate the amendment within sixty days of its filing and require refiling and approval of the amendment by Commission order pursuant to Rule 608(b)(2) under the Act<sup>5</sup> if it appears to

the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or the maintenance of fair and orderly markets, to remove impediments to, and perfect the mechanisms of, a national market system, or otherwise in furtherance of the purposes of the Act.

## III. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed OPRA Plan amendment is consistent with the Act. Comments may be submitted by any of the following methods:

### Electronic Comments

- Use the Commission's Internet comment form (<http://www.sec.gov/rules/sro.shtml>); or
- Send an e-mail to [rule-comments@sec.gov](mailto:rule-comments@sec.gov). Please include File No. SR-OPRA-2009-01 on the subject line.

### Paper Comments

- Send paper comments in triplicate to Elizabeth M. Murphy, Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549-1090.

All submissions should refer to File Number SR-OPRA-2009-01. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (<http://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed plan amendment that are filed with the Commission, and all written communications relating to the proposed plan amendment between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room, 100 F Street, NE., Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of such filing also will be available for inspection and copying at the principal office of OPRA. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File

<sup>4</sup> 17 CFR 242.608(b)(3)(ii).

<sup>5</sup> 17 CFR 242.608(b)(2).

Number SR-OPRA-2009-01 and should be submitted on or before February 12, 2010.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>6</sup>

**Florence E. Harmon,**  
Deputy Secretary.

[FR Doc. 2010-1146 Filed 1-21-10; 8:45 am]

BILLING CODE 8011-01-P

**SECURITIES AND EXCHANGE COMMISSION**

[Release No. 34-61350; File No. SR-NYSE-2010-01]

**Self-Regulatory Organizations; New York Stock Exchange LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Waiving All Transaction Fees for Shares Executed on the NYSE MatchPoint<sup>SM</sup> System Until January 29, 2010**

January 14, 2010.

Pursuant to Section 19(b)(1)<sup>1</sup> of the Securities Exchange Act of 1934 (the "Act")<sup>2</sup> and Rule 19b-4 thereunder,<sup>3</sup> notice is hereby given that, on January 7, 2010, New York Stock Exchange LLC ("NYSE" or the "Exchange") filed with the Securities and Exchange Commission (the "Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

**I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change**

The Exchange proposes to waive all transaction fees for shares executed on the NYSE MatchPoint<sup>SM</sup> ("NYSE MatchPoint" or "MatchPoint") system, effective upon filing this rule change with the Securities and Exchange Commission ("SEC" or "Commission") until January 29, 2010. The text of the proposed rule change is available at the Exchange, the Commission's Public Reference Room, and <http://www.nyse.com>.

**II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change**

In its filing with the Commission, the self-regulatory organization included

statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

*A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change*

1. Purpose

The Exchange proposes to amend the NYSE's 2010 Price List by waiving all transaction fees for shares executed on the NYSE MatchPoint system, which will be effective upon filing this rule change with the Commission until January 29, 2010. The Exchange is also eliminating the current temporary equity transaction fee for shares executed on MatchPoint, which has been in effect since January 2009.

Background

On January 7, 2009, the Exchange filed with the Securities and Exchange Commission a proposed rule change to adopt a temporary equity transaction fee for shares executed on the NYSE MatchPoint system, effective until February 28, 2009.<sup>4</sup> This temporary equity transaction fee has been extended numerous times since the original filing and is currently in effect until January 31, 2010.<sup>5</sup> Each such filing was effective upon filing pursuant to Section 19(b)(3)(A)<sup>6</sup> of the Act and subparagraph (f)(2) of Rule 19b-4.<sup>7</sup>

The current temporary equity transaction fee is a scaled fee for MatchPoint users based on the average daily volume of shares executed during a calendar month through the MatchPoint system as follows:

Average daily volume of shares executed	Rate (per share)
50,000 shares or less .....	\$ .0015

<sup>4</sup> See Securities Exchange Act Release No. 59229 (January 12, 2009) 74 FR 3119 (January 16, 2009) (SR-NYSE-2009-01).

<sup>5</sup> See Securities Exchange Act Release No. 59491 (March 3, 2009) 74 FR 10107 (March 9, 2009) (SR-NYSE-2009-20); see Securities Exchange Act Release No. 59864 (May 5, 2009) 74 FR 22194 (May 12, 2009) (SR-NYSE-2009-44); see Securities Exchange Act Release No. 60278 (July 10, 2009) 74 FR 34615 (July 16, 2009) (SR-NYSE-2009-67); see Securities Exchange Act Release No. 60439 (August 5, 2009) 74 FR 40270 (August 11, 2009) (SR-NYSE-2009-78) and see also Securities Exchange Act Release No. 60949 (November 6, 2009) 74 FR 58665 (November 13, 2009) (SR-NYSE-2009-110).

<sup>6</sup> 15 U.S.C. 78s(b)(3)(A).

<sup>7</sup> 17 CFR 240.19b-4(f)(2).

Average daily volume of shares executed	Rate (per share)
Over 50,000 to 499,999 .....	.0010
500,000 and greater .....	.0005

The Exchange believes that a temporary waiver of the current transaction fees for all executions will induce users to enter more single-sided volume<sup>8</sup> into the MatchPoint system, which benefits all participants in MatchPoint, since it increases the likelihood of a match during the matching sessions (*i.e.*, intra-day and after hours matching sessions). This waiver of transaction fees will apply to all Exchange members that access MatchPoint.

It is intended that new MatchPoint transaction fees will be in effect on February 1, 2010, after the proposed fee waiver terminates. The new transaction fees will also provide incentives for adding volume to the MatchPoint system.

2. Statutory Basis

The basis under the Securities Exchange Act of 1934 (the "Act")<sup>9</sup> for the proposed rule change is the requirement under Section 6(b)(4) that an exchange have rules that provide for the equitable allocation of reasonable dues, fees and other charges among its members and other persons using its facilities. The Exchange believes the fee waiver for all MatchPoint executions is reasonable in that it provides a significant incentive for users to add volume into the MatchPoint system. The fee waiver will be in effect upon filing the rule change with the Commission until January 29, 2010. Adding volume to the MatchPoint system will increase a user's likelihood of obtaining an execution. Increased volume and trading activity will improve the overall market for customers. The proposed transaction fee waiver is also designed to make the system more competitive, which will further improve the quality of the market and benefit customers. Finally, the transaction fee waiver is equitable because it is available to all Exchange members that access the MatchPoint system, and it applies to all MatchPoint executions.

*B. Self-Regulatory Organization's Statement on Burden on Competition*

The Exchange does not believe that the proposed rule change will impose

<sup>8</sup> Executions in the MatchPoint system occur when buy and sell interest in a security is entered on a matched basis (both buy and sell sides submitted together) or when interest submitted in the system by one user matches against contra side interest submitted by another user.

<sup>9</sup> 15 U.S.C. 78a.

<sup>6</sup> 17 CFR 200.30-3(a)(29).

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 15 U.S.C. 78a.

<sup>3</sup> 17 CFR 240.19b-4.